

Report on the
**OFFICE OF INFORMATION
TECHNOLOGY**
Montgomery, Alabama



**Department of
Examiners of Public Accounts**

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September 19, 2007

Senator Larry Dixon
Chairman, Sunset Committee
Alabama State House
Montgomery, AL 36130

Dear Senator Dixon,

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the **Office of Information Technology** in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the **Office of Information Technology**, in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald L. Jones", written in a cursive style.

Ronald L. Jones
Chief Examiner

Robin Arwood Stone
Examiner

CONTENTS PAGE

PROFILE	1
SIGNIFICANT ITEMS	3
APPENDIX.....	4
STATUTORY AUTHORITY	4

PROFILE

Purpose/Authority

The Office of Information Technology was established effective May 23, 2000 by *Acts of Alabama*, Act 2000-715 to develop a plan for a comprehensive and compatible state government information technology infrastructure. The office operates under the authority of the *Code of Alabama 1975*, Sections 16-61D-1 through 16-61D-6.

An executive director appointed by the governor is given primary responsibility for carrying out the duties of the office.

An information Technology Council was created by law to “benefit the office” and to participate in the development and implementation of the statewide information technology plan. No specific powers are specified by law for the council.

COUNCIL CHARACTERISTICS

Members	21 – All appointed positions are vacant <i>Code of Alabama 1975</i> , Section 16-61D-5		
Term	No specific term. <i>Code of Alabama 1975</i> , Section 16-61D-5		
Selection and Qualifications	Number of Members	Qualifications	Appointed by
	7	Representatives of 4-year public Universities	Council of College and University Presidents
	3	Public classroom teacher	State Superintendent of Education
	2	2-year college presidents	State Superintendent of Education
	3	Representatives from the State Department of Education	State Superintendent of Education
	2	Members of the House of Representatives	Speaker of the House
	1	Member of the Senate	President of the Senate
	1	Member of the Senate	President Pro Tempore of the Senate

	1	Executive Director of the Alabama Commission on Higher Education	Ex officio
	1	Chancellor of the Two-Year College System	Ex officio
	<i>Code of Alabama 1975</i> , Section 16-61D-5		
Racial Representation	No statutory requirement		
Geographical Representation	No statutory requirement		
Consumer Representation	No statutory requirement		
Other Representation	<p>Membership of the council shall be inclusive and reflect the racial, gender, geographic, urban/rural and economic diversity of the state.</p> <p><i>Code of Alabama 1975</i>, Section 16-61D-5</p>		
Compensation	None		
<u>OPERATIONS</u>			
Chief Executive Officer	<p>Executive director—appointed by the governor to a position in the unclassified service under the provisions of the state’s merit system. The executive director’s salary is determined by the governor.</p> <p>The executive director is given responsibility by law for the performance and exercise of the duties, responsibilities, functions, powers, and authority imposed upon the executive director and the office by law.</p> <p>The position is vacant.</p> <p><i>Code of Alabama 1975</i>, Section 16-61D-3(a)</p>		
Location	No offices - council not active		
Employees	<p>No employees – the office is inactive. The office may employ personnel subject to the state’s merit system, or if the employee is to be employed in a supervisory capacity, without regard to the provisions of the merit system law.</p> <p><i>Code of Alabama 1975</i>, Section 16-61D-3(b)</p>		

Legal Counsel	None
Subpoena Power	None
Internet Presence	None
Attended Board Member Training	Not Applicable
<u>FINANCIAL INFORMATION</u>	
Source of Funds	Legislative appropriations and funds received from public and private entities. No appropriations or other funds have been received. <i>Code of Alabama 1975, Section 16-61D-4(3)</i>
State Treasury	Yes
Unused Funds	No unused funds. Office is unfunded.

SIGNIFICANT ITEMS

1. The office is inactive. There are no employees. The executive director's position is vacant. There are no appointments to the Information Technology Council. The office has not received legislative appropriations and has not received other public or private funds. This condition existed at the time the office was reviewed by the Sunset Committee four years ago.

On August 20, 2007, the examiner contacted Jim Burns, the Chief Information Officer of the Information Services Division of the Department of Finance and inquired whether the Office of Information Technology was currently operative and, if so, who could provide current information about the office. Burns stated that the Office of Information Technology was not currently operating and that its executive director position was vacant.

On August 22, 2007, the examiner contacted Sally Robinson of the governor's appointment office. She could find no appointments to the Information Technology Council.

2. There is an apparent overlap of responsibilities between the Office of Information Technology and the Information Services Division of the Department of Finance. Both are tasked with developing and implementing policy involving the state's information technology infrastructure and operations. The Information Services Division of the Department of Finance is currently providing this service. This condition existed at the time the office was reviewed by the Sunset Committee four years ago.

APPENDIX

Statutory Authority

CHAPTER 61D. OFFICE OF INFORMATION TECHNOLOGY.

§ 16-61D-1. Created. *Current through End of 2006 Regular Session.*

The Office of Information Technology is created as a department of the Executive Branch of state government. The office shall have the duties, responsibilities, functions, powers, and authority set forth in this chapter and as otherwise provided by law.
(Act 2000-715, p. 1535, § 1.)

§ 16-61D-2. Definitions. *Current through End of 2006 Regular Session.*

As used in this chapter, the following terms have the following meanings:

- (1) Director. The Executive Director of the Office of Information Technology.
- (2) Office. The Office of Information Technology.
- (3) Public institutions of higher education. The public colleges, postsecondary technical colleges, community colleges, junior colleges, and universities in the State of Alabama.
- (4) Public schools. The public schools in the State of Alabama which serve kindergarten to grade 12, inclusive.
- (5) State agencies and political subdivisions. All departments and agencies of state government, but shall not include counties or municipalities.

(Act 2000-715, p. 1535, § 2.)

§ 16-61D-3. Executive director; personnel. *Current through End of 2006 Regular Session.*

(a) The chief administrative and executive officer of the office shall be the executive director, who shall be appointed by and serve at the pleasure of the Governor. The director shall be responsible for the performance and exercise of the duties, responsibilities, functions, powers, and authority imposed upon the director and the office by law. The director shall be in the unclassified service of the state Merit System and shall receive a salary in an amount to be determined by the Governor.

(b) The director may employ all personnel of the office, subject to the state Merit System, or if the employee is to be employed in a supervisory capacity, without regard to the provisions thereof. The director shall set the compensation of such employees in accordance with that of comparable positions established under the state Merit System pay plan.

(c) If existing positions or divisions of state government are consolidated or eliminated as a result of the creation of the office, any state employees displaced shall be offered the opportunity to transfer to available positions for which they are qualified within the office.

(Act 2000-715, p. 1535, § 3.)

§ 16-61D-4. Powers and duties. *Current through End of 2006 Regular Session.*

The office shall have all of the following powers and duties:

(1) To develop a plan for a comprehensive and compatible information technology infrastructure in state government, including the public schools and public institutions of higher education.

(2) To collaborate and coordinate with the Division of Data Systems Management of the Department of Finance as set forth in Article 8 of Chapter 4 of Title 41, and to establish standards and coordinate services and infrastructure to ensure that information technology is used to support designated needs areas, including providing the children of Alabama citizens access to technology in the public schools and the public institutions of higher education. It is the intent of the Legislature that specific priority be given to public schools, to state universities for the training of public school teachers, and for the development of other instructional technology applications.

(3) To solicit, receive, and administer funds, goods, services, and equipment from public and private entities to be used for the purchase of computers, satellites, hardware, software, and other technology equipment and services and for staff training in the use of technology development programs.

No public monies shall be expended by the office for any purpose unless the monies have been appropriated by the Legislature to the entity from which the funds are received or to the office. Any monies appropriated shall be budgeted and allotted pursuant to the Budget Management Act in accordance with Article 4 (commencing with Section 41-4-80) of Chapter 4 of Title 41, and only in the amounts provided by the Legislature in the general appropriations act or other appropriations act.

(4) To administer any funds appropriated to the office by the Legislature for the establishment, operation, and coordination of the office.

(5) To act as the agent of the federal government in conformity with this chapter and the administration of any federal funds granted to state agencies and political subdivisions to aid in the furtherance of any functions of the office.

For the purposes of federal funds granted to the State Department of Education for distribution to the local education agents, the office shall assist in coordination of the funds, but shall not administer the funds.

(6) To issue annual reports to the Governor, the Legislature, and the general public concerning the coordination and operation of the office.

(7) To promulgate rules and regulations and establish procedures and standards for the management and operation of state agencies and any of its political subdivisions to carry out this chapter, including coordination of state information management; providing technical assistance to agency administrators on design and management of state information systems; evaluating the costs, system design, and suitability of information equipment and related services; and developing a unified and integrated structure for information systems for all executive agencies.

(Act 2000-715, p. 1535, § 4.)

§ 16-61D-5. Information Technology Council. *Current through End of 2006 Regular Session.*

(a) There is hereby created an Information Technology Council to benefit the Office of Information Technology. The membership of the council shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state. The Information Technology Council shall consist of individuals possessing knowledge and

skills in educational technology, selected in the manner stipulated herewith:

(1) Seven representatives of four-year public universities appointed by the Council of College and University Presidents.

(2) The Executive Director of the Alabama Commission on Higher Education and the Chancellor of the two-year college system as ex-officio members.

(3) The State Superintendent of Education shall appoint three public classroom teachers, two two-year college presidents, and three representatives from the State Department of Education.

(4) The Speaker of the House of Representatives shall appoint two members.

(5) The President of the Senate shall appoint one member.

(6) The President Pro Tempore of the Senate shall appoint one member.

(b) The Information Technology Council shall participate in the development and implementation of the statewide information technology plan.

(Act 2000-715, p. 1535, § 5.)

§ 16-61D-6. Sunset provision. *Current through End of 2006 Regular Session.*

The Office of Information Technology shall be subject to the Alabama Sunset Law, Title 41, Chapter 20, as an enumerated agency as provided in Section 41-20-3, and shall have a termination date of October 1, 2004, and every four years thereafter, unless continued pursuant to the Alabama Sunset Law.

(Act 2000-715, p. 1535, § 6.)